

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND (Providence)

In Re:	Chapter 13
Charles S. Phelps, Jr. Debtor	Case Number 1:17-bk-10759

AFFIDAVIT IN SUPPORT OF MOTION FOR RELIEF  
FROM AUTOMATIC STAY AND CO-DEBTOR STAY


I, Marilyn Solivan, declare under penalty of perjury as follows:

1. I am employed as a Contract Management Coordinator of PHH Mortgage Corporation and am authorized to sign this Affidavit on behalf of PHH Mortgage Corporation as servicer for HSBC Bank USA, National Association as Trustee for PHH Alternative Mortgage Trust, Series 2007-3 Mortgage Pass-Through Certificates Series 2007-3 (the "Movant"). This Affidavit is provided in support of the Motion for Relief from Stay (the "Motion") filed contemporaneously herewith.
2. I make this affirmation based upon my review of the records with regard to this underlying loan transaction, which are kept in the ordinary course of business of PHH Mortgage Corporation. As part of my job responsibilities for PHH Mortgage Corporation, I have personal knowledge of and am familiar with the types of records maintained by PHH Mortgage Corporation in connection with the loan that is the subject of the Motion (the "Loan") and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of PHH Mortgage Corporation that pertain to the Loan and extension of credit given to Debtor(s) concerning the property securing such Loan.
3. The information in this affidavit is taken from PHH Mortgage Corporation's business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by person with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge; (b) kept in the course of PHH Mortgage Corporation's regularly conducted business activities; and (c) it is the regular practice of PHH Mortgage Corporation to make such records.
4. Charles Phelps has executed and delivered or is otherwise obligated with respect to that certain promissory note referenced in the Motion (the "Note").
5. As of December 28, 2020, there are one or more defaults in paying Debtor's post-petition amounts due with respect to the Note.
6. As of December 28, 2020, the total unpaid principal balance is \$222,508.11 which includes the unpaid principal balance of \$222,508.11 and deferred principal balance of \$0.00.
7. As of December 28, 2020, the total post-petition arrearage/delinquency is \$72,211.29 consisting of (i) the foregoing total of missed post-petition payments in the amount of \$72,211.29 plus (ii) the foregoing post-petition fees in the amount of \$0.00.
8. Attached hereto as **Exhibit 1** is a post-petition payment history including a statement of the total amount due to cure the post-petition default.

9. As of December 28, 2020, the Chapter 13 Plan has been confirmed.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 18 day of February, 2021.

  
\_\_\_\_\_  
Signature

Marilyn Solivan

\_\_\_\_\_  
Name


Contract Management Coordinator

\_\_\_\_\_  
Title

PHH Mortgage Corporation as servicer for  
HSBC Bank USA, National Association as  
Trustee for PHH Alternative Mortgage  
Trust, Series 2007-3 Mortgage Pass-  
Through Certificates Series 2007-3

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [x] physical presence or [ ] online notarization, this 18 day of February, 2021, by Marilyn Solivan as Contract Management Coordinator for PHH Mortgage Corporation as Servicer for HSBC Bank USA, National Association as Trustee for PHH Alternative Mortgage Trust, Series 2007-3 Mortgage Pass-Through Certificates Series 2007-3, who is personally known to me or who has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Signature of Notary Public

Name of Notary Public: Aaron Friedlander

Notary Commission Expiration Date:                     

Personally known:                     

OR Produced Identification:                     

Type of Identification Produced:                     

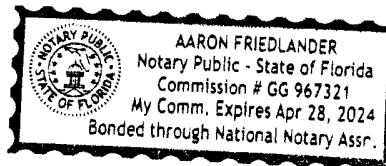


Exhibit 1

<b>Name:</b>	Charles S. Phelps, Jr.				
<b>BK Case Number:</b>	17-bk-10759				
<b>Filing Date:</b>	05/09/2017				
<b>Post First Due:</b>	06/01/2017				
<b>Post-Petition Due</b>	<b>Date Received</b>	<b>Amount Received</b>	<b>Amount Applied</b>	<b>Suspense Application</b>	<b>Suspense Balance</b>
	06/21/2017	\$ 2,372.21		\$ 2,372.21	\$ 2,372.21
06/01/2017	07/18/2017	\$ 2,374.21	\$ 2,374.21	\$ -	\$ 2,372.21
07/01/2017	08/21/2017	\$ 2,374.21	\$ 2,374.21	\$ -	\$ 2,372.21
08/01/2017	09/28/2017	\$ 2,374.21	\$ 2,374.21	\$ -	\$ 2,372.21
09/01/2017	10/26/2017	\$ 2,374.21	\$ 2,374.21	\$ -	\$ 2,372.21
			\$ 2,372.21	\$ (2,372.21)	\$ -
	07/23/2018	\$ 10,000.00	\$ 10,000.00	\$ -	\$ -
	08/02/2018	\$ 13,050.89	\$ 13,050.89	\$ -	\$ -

<b>Name:</b>	Charles S. Phelps, Jr.
<b>BK Case Number:</b>	17-bk-10759
<b>Filing Date:</b>	05/09/2017
<b>Completed by:</b>	#REF!

Payments from 10/01/17 to 7/1/18 is paid through Consent order

Due Date	Total Payment	P & I	Escrow	NOPC Filed Date
08/01/2018	\$ 2,506.12	\$ 1,726.28	\$ 779.84	06/01/2018
09/01/2018	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
10/01/2018	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
11/01/2018	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
12/01/2018	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
01/01/2019	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
02/01/2019	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
03/01/2019	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
04/01/2019	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
05/01/2019	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
06/01/2019	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
07/01/2019	\$ 2,506.12	\$ 1,726.28	\$ 779.84	
08/01/2019	\$ 2,471.75	\$ 1,726.28	\$ 745.47	07/11/2019
09/01/2019	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
10/01/2019	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
11/01/2019	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
12/01/2019	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
01/01/2020	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
02/01/2020	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
03/01/2020	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
04/01/2020	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
05/01/2020	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
06/01/2020	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
07/01/2020	\$ 2,471.75	\$ 1,726.28	\$ 745.47	
08/01/2020	\$ 2,495.37	\$ 1,726.28	\$ 769.09	06/09/2020
09/01/2020	\$ 2,495.37	\$ 1,726.28	\$ 769.09	
10/01/2020	\$ 2,495.37	\$ 1,726.28	\$ 769.09	
11/01/2020	\$ 2,495.37	\$ 1,726.28	\$ 769.09	
12/01/2020	\$ 2,495.37	\$ 1,726.28	\$ 769.09	
<b>Total Due</b>	<b>\$ 72,211.29</b>	<b>\$ 50,062.12</b>	<b>\$ 22,149.17</b>	